

From: mark@wt6.usdoj.gov@inetgw
To: Microsoft ATR,Michael.McLagan@Linux.Org@inetgw,joh...
Date: 1/3/02 2:33pm
Subject: Microsoft Settlement

Government Anti Trust litigation has achieved 2 things to date.

1) Bringing the Linux and Open Source communities (as the only credible competition that Microsoft faces) to the attention of Venture capitalists, the stock market, etc too soon, resulting in the destruction of many good companies who were not ready for the ruinous competition from the rise of companies that had no business being in business... the ones that survived will be stronger, and new ones will spring up.. but that does not set aside that fact that this entire industry was set back a several years by capitalist greed out of control. From the very beginning I'd prefer that this case against Microsoft had never happened.... eventually the bully gets turned on by everyone else. The effectiveness and Return on Investment of Open Source technologies are so stunning that Microsoft has been looking for an effective way to battle it, discredit it, whatever works and this brings about the second point

2) Assuring Microsoft that they can beat anyone, and don't need to fear even the government, so now they are free to continue as they always have, with impunity. The many blatant lies they told in court make this clear. Why isn't this a good thing? Because it deprives real innovators of the fruits of their innovations, and as a result removes the incentive to people to keep our nation in the lead technologically. It also reinforces many people's worship of the ends despite the means being inappropriate, and this undercuts our entire society. Winning is not everything, it is just part of life.

But isn't Microsoft an innovator? A marketing truism is that if you say something often enough and loud enough people will believe it. And people don't care enough to find the truth. For any innovation that Microsoft has made, it can also be shown who they busted in the chops to take it away from them, generally with strong arm tactics, and no thought of ethics. This goes all the way back to their original product, Microsoft Basic. They've left many a good company and organization shattered in their destructive wake.

People break laws, not companies... and I think they should face penalties appropriate to their situations. That certainly has not happened in this case. The public interest is not served by encouraging mafia like tactics in the name of economic recovery, the very greed and business tactics that lead to the recession in the first place.

The next Einstein will probably be a kid from a third world country that had access to a cheap castoff PC, the source code for Linux, and the internet. With clubs formed by these kids, that country, and other countries that actually allow and encourage continued innovation, will then have a new technological revolution. It can only happen outside the sphere of Microsoft's

control. Linux is only the beginning.. and companies that spring up around new technologies need the opportunity to succeed.

Microsoft has 2 strengths, and they have been there from the beginning. 1) Convincing sales, marketing & PR, and 2) a willingness to be totally ruthless and as unethical as they have to be to get what they want the way they want it. And then claim credit for it.

When have you seen someone who fights clean in the schoolyard beaten a dirty fighter? Only if they are much, much better trained, especially if smaller.

Aren't trust, ethics and morals the fabric of our society, especially assumptions behind our legal system? So wouldn't the biggest winners be those actually able to get around the rules, above the law so to speak?

If ethics don't stand then our society falls into anarchy. How often have you heard "It's not personal, It's business" used as a justification? But don't people who act this way deprive themselves and their organizations of future benefits that might be gained from those whom they are cheating? Isn't this counter productive?

Most people won't believe this, but Microsoft not only has NOT invented the computer industry and the internet, but rather they hijacked it, and in the process actually slowed it down... and the slowdown continues. Now we are paying the price of what they have sown. As The founders of our great country knew, freedom requires responsibility, and when we abdicate responsibility in great enough numbers, we will also lose our freedom in time.

Microsoft is about making money, selling whatever they can push, always creating a new need, a new desire... remind you of anything? How about the drug pusher at the schoolyard? Ever wonder why computer people are called "users"? Think of it, an entire economy held hostage by one company and what Microsoft chooses to do or not do. Thinking that daily or hourly reboots are the way computers "are", and putting up with the unnecessary loss of productivity, the continual and often unneeded upgrades. Microsoft is not concerned beyond getting your money, and what they sell you being just "good enough" that they get to keep it that money. What is more, as Microsoft slowly takes over the internet, and everyone's computers, as they get everyone's data on their servers at MSN, or have access to it through hidden back doors concealed in proprietary source code on your system. These hidden doors could only be found by legions of programmers looking at the source. What do you mean that Microsoft wouldn't do this? Check your history, they have already been caught doing exactly this at least twice. What is next for this organization? Where will they stop? When will it get to the point that even the US government will not be able to face down this entity already capable of buying Nukes should they choose to do so?

There is a word in Russian "Pravda", and it is usually translated to english as "truth", but it in fact means not "truth", but rather "what best serves the

state". Read Robert Heinlein's extensive essay on the subject ... This is how Microsoft defines truth as used in their various articles and whitepapers, not to mention what they say in their business dealings and the courtroom. This is an opponent the like of which the world has rarely seen, and never with as much terrible power and influence as is within their grasp within a very short time to come if the government does not act appropriately towards them now that the battle has been engaged. When will we all wake up?

Attached to this message is an earlier message I wrote regarding what I consider to be equitable remedies, and also a follow up message by Jon "maddog" Hall, Executive Director of Linux International, which has since been published.

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***** PLEASE NOTE NEW CONTACT INFORMATION *****

Mark Bolzern Mark@Bolzern.Org

<http://www.Bolzern.Org> Phone: 303-690-2806 Fax: 303-693-6064

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